

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE:) Chapter 11
)
EASTERN LIVESTOCK CO., LLC,) Case No. 10-93904-BHL-11
)
 Debtor.) Hon. Basil H. Lorch III

**MOTION FOR ORDER APPROVING STORAGE AND SERVICE AGREEMENT BY
AND BETWEEN TRUSTEE AND THE DATA VAULT**

James A. Knauer, chapter 11 trustee ("Trustee") in the above-captioned case ("Chapter 11 Case"), seeks the entry of an order, pursuant to section 363 of title 11 of the United States Code (the "Bankruptcy Code") approving the Trustee's execution of the Storage and Service Agreement ("Agreement") attached hereto as Exhibit A. In support of this motion (the "Motion"), the Trustee respectfully represents as follows:

1. For the majority of the Chapter 11 Case, certain of the Trustee's professionals and staff have occupied real estate commonly known as 135 West Market Street, New Albany, Indiana 47150 ("New Albany Office") pursuant to a lease with Republic Bank & Trust Company ("Republic"). The New Albany Office previously served as headquarters for Eastern Livestock Co., LLC ("Debtor"). All of Debtor's currently available books and records are located at the New Albany Office.

2. The New Albany Office is no longer necessary for prosecution of this Chapter 11 Case, and the Trustee desires to reduce costs by (a) relocating certain books and records and staff to a smaller and less expensive location in Louisville, Kentucky, (b) storing books and records that are not immediately necessary to prosecution of the Chapter 11 Case pursuant to the Agreement and (c) destroying certain duplicate books and records and books and

records that were created more than seven years ago that are not necessary for the administration of Debtor's estate.

3. To accomplish goal (a) listed above, the Trustee provided notice of termination of the lease of the New Albany Office effective as of October 14, 2012 and is filing a motion contemporaneously herewith seeking authority to enter into an agreement to rent more affordable office space located in Louisville, Kentucky. The relocation from the New Albany Office will save the Debtor's estate approximately \$7,500 a month.

4. By this Motion, the Trustee seeks authority to (i) enter into the Agreement to store and preserve certain of Debtor's books and records that may later be necessary in preserving and maximizing the value of Debtor's estate and (ii) destroy certain other books and records that are duplicative and/or are not necessary for preservation of the estate because they were created over seven years ago.

5. The Trustee has negotiated the Agreement according to his business judgment to conserve estate resources. The Agreement is the product of good-faith, arms-length negotiations.

6. The Trustee therefore respectfully requests that the Court enter an order approving the Trustee's execution of the Agreement pursuant to section 363(c) of the Bankruptcy Code and Rules 2002 and 6004 of the Federal Rules of Bankruptcy Procedure.

WHEREFORE, the Trustee respectfully requests that the Court enter an order approving the Trustee's execution of the Agreement and granting such other and further relief as this Court deems just.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2012, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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